

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

KILLER JOE NEVADA, LLC,

Plaintiff,

v.

DOES 1-57,

Defendant.

JANE DOE 33,

Movant.

CIVIL ACTION FILE NO.

1:13-mi-00089-JEC-JFK

ORDER AND FINAL REPORT AND RECOMMENDATION

Pending before the court is Jane Doe 33's motion [Doc. 1] to quash subpoena, motion [Doc. 2] for protective order, and motion [Doc. 3] to dismiss. Plaintiff Killer Joe Nevada, LLC, has not responded to the motions.

On May 6, 2013, Plaintiff filed a copyright action to which these motions pertain. [See Killer Joe Nevada, LLC v. Doe 1, 1:13-cv-1527-JEC, Doc. 1]. Plaintiff has filed a number of similar actions in this court against anonymous defendants identified only by their internet protocol ("IP") addresses. [Id., Doc. 4 at 2]. Although the District Court initially granted Plaintiff's motion to take discovery prior to the Rule 26(f) conference [Id., Docs. 2 and 3], the District Court subsequently vacated that order and severed and dismissed the claims against Defendants Does 2-57 [Id., Doc. 4].


Plaintiff was further ordered to immediately contact the ISP to which the subpoena being challenged was issued to rescind and withdraw the subpoena and to return to the ISP any information that may be provided by the subpoena. [Id., Doc. 5]. As ordered, Plaintiff reported on June 28, 2013, that he had complied with that order. [Id., Doc. 6].

The court, therefore, **GRANTS** Jane Doe 33's motions [Docs. 1 and 2] to quash and for a protective order.

Further, Jane Doe 33 having already been dismissed from the underlying civil action, the court **RECOMMENDS** that the motion [Doc. 3] to dismiss be **DENIED** as **MOOT**.

The Clerk is **DIRECTED** to terminate the reference to the Magistrate Judge.

SO ORDERED THIS 9th day of August, 2013.



JANET F. KING
UNITED STATES MAGISTRATE JUDGE